

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:06cv-736-WKW
)	
SEVENTY FOUR THOUSAND SEVEN)	
HUNDRED (\$74,700) DOLLARS IN)	
UNITED STATES CURRENCY,)	
)	
Defendant.)	

MOTION FOR DECREE OF FORFEITURE

Pursuant to the Federal Rules of Civil Procedure and Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, the United States of America (United States) respectfully moves this Court for entry of a Decree of Forfeiture. This Motion is supported by the previously filed Verified Complaint for Forfeiture In Rem (Doc. #1), Warrant and Summons for Arrest In Rem (Doc. #2), and Memorandum Opinion and Order dated April 18, 2008, forfeiting the defendant currency to the United States (Doc. #44).

A proposed Decree of Forfeiture is submitted herewith.

Respectfully submitted this the 24th day of April, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Tommie Brown Hardwick
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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Bruce Maddox.

Respectfully submitted,

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
Assistant United States Attorney

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DECREE OF FORFEITURE

Before the Court is the United States of America's ("United States") Motion for Decree of Forfeiture.

On August 15, 2006, the United States filed a complaint of forfeiture pursuant to 21 U.S.C. § 881(a)(6), alleging that the Seventy-Four Thousand Seven Hundred Dollars (\$74,700) in United States currency ("Defendant currency") constituted monies furnished, or intended to be furnished, in exchange for controlled substances, or represented the proceeds of trafficking in controlled substances or was used or intended to be used to facilitate violations of 21 U.S.C. §§ 801 et seq. (Doc. #1).

It appearing that process was fully issued in this action and returned according to law:

Pursuant to a Warrant and Summons for Arrest In Rem (Doc. #2) issued by this Court, the United States Marshals Service for the Middle District of Alabama arrested the Defendant currency on August 30, 2006 (Doc. #3);

On September 1, 2006, a United States Marshal personally served Lindsey Barron, at the law office of Bruce Maddox, with copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem (Doc. #5);

On September 6, 2006, a United States Marshal personally served George Jones, III with copies of the Verified Complaint for Forfeiture In Rem and Warrant and Summons for Arrest In Rem (Doc. #4);

On September 14, 21 and 28, 2006, notice of this action was published in the Montgomery Advertiser newspaper (Doc. #10);

On September 20, 2006, George Jones ("Claimant") filed a claim to the Defendant currency (Doc. #6);

On February 1, 2006, Claimant filed an answer to the Verified Complaint for Forfeiture In Rem (Doc. #7);

On November 15, 2006, this Court entered its Uniform Scheduling Order setting this matter for non-jury trial during the term of court commencing June 4, 2007 (Doc. #11);

On January 8, 2007, the United States filed a motion to continue pretrial conference (Doc. #12);

On January 10, 2007, Claimant filed a motion to stay proceedings (Doc. #13);

On February 2, 2007, this Court entered an Order denying the motion to stay proceedings (Doc. #13), granting the motion to continue pretrial conference (Doc. #12), and continuing the non-

jury trial of this matter to the term of court commencing October 15, 2007 (Doc. #14);

On February 26, 2007, Claimant filed a motion to suppress certain evidence and statements arising out of his arrest, search of his residence, and subsequent interrogation (Doc. #15);

On May 21, 2007, the United States filed its brief in opposition to Claimant's motion to suppress (Doc. #18);

On September 6, 2007, the court held a hearing on the motion to suppress (Doc. #15);

On September 17, 2007, Claimant filed his brief in support of motion to suppress (Doc. #26);

On September 17, 2007, the United States filed its brief in opposition to claimant's motion to suppress (Doc. #27);

On September 28, 2007, the Claimant's motion to suppress was denied (Doc. #28);

On October 17, 2007, the parties stipulated to submit the matter to the court for a decision based upon the transcript of the suppression hearing and the trial briefs (Doc. #38);

On October 29, 2007, the parties submitted their trial briefs (Docs. #40 and #41);

On April 18, 2008, having considered all the evidence before it, this Court entered its Memorandum Opinion and Order forfeiting the Defendant currency to the United States (Doc. #44).

No other claim or answer has been filed on behalf of any other party.

Now, therefore, on motion of the United States for a Decree of Forfeiture and for good cause otherwise shown, it is hereby **ORDERED, ADJUDGED** and **DECREED:**

That the Defendant Seventy Four Thousand Seven Hundred (\$74,700) Dollars in United States currency is forfeited to the United States, to be disposed of according to law, and no right, title or interest in the Defendant currency shall exist in any other party.

That each party will bear its own costs.

DONE this the _____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE